

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

TELLY SEBASTIAN WILLIAMS,

Plaintiff,

v.

**GC SERVICES LIMITED
PARTNERSHIP,**

Defendant.

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EP-23-CV-00205-FM

**ORDER ADOPTING THE REPORT AND RECOMMENDATION OF THE
MAGISTRATE JUDGE**

On this day, the Court considered the “Report and Recommendation” (“R & R”) filed in the above-captioned case by United States Magistrate Judge Miguel Torres (“Judge Torres”) on November 17, 2023. R & R.¹ Therein, Judge Torres recommends that the District Court grant GC Services Limited Partnership’s 12(b)(6) motion to dismiss insofar as construing it as a motion to compel arbitration.²

Because neither party objected to Judge Torres’ R & R, the court has reviewed it for clear error.³ As the court finds no clear error, the R & R will be approved and adopted in full. Consistent with the R & R, the Court finds that a valid arbitration agreement was entered into by the parties and an enforceable delegation clause was included. Therefore, it is for the arbitrator to decide whether Plaintiff’s claims fall under the terms of the arbitration agreement.

¹ “Report and Recommendation” 1, ECF No. 16, entered Nov. 17, 2023.

² *Id.* at 3–4.

³ *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1420 (5th Cir. 1996) (en banc), *superseded by statute on other grounds*, 28 U.S.C. § 636(b)(1).

Accordingly,

1. It is **HEREBY ORDERED** that United States Magistrate Judge Miguel Torres' "Report and Recommendation" [ECF No. 16] is **APPROVED** and **ADOPTED**.
2. It is **FUTHER ORDERED** that "Defendant's Motion to Dismiss" [ECF No. 14] is **GRANTED IN PART** in accordance with the Report and Recommendation.
3. It is **FURTHER ORDERED** that this case is **STAYED** pending completion of arbitration.
4. It is **FURTHER ORDERED** that the parties provide a **STATUS UPDATE** every six months or until arbitration is completed, whichever is shorter.
5. It is **FURTHER ORDERED** that the parties will inform the court of completion of the arbitration and provide a copy of the arbitrator's report no later than 10 days following the final arbitration disposition.

SIGNED AND ENTERED this 13th day of **December 2023**.



FRANK MONTALVO
SENIOR UNITED STATES DISTRICT JUDGE